

10-01-04

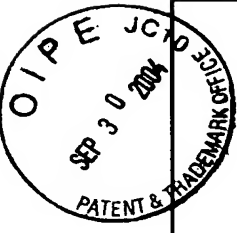
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PTO/SB/21 (04-04)

Approved for use through 07/31/2006. OMB 0651-0031

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	Application Number	10/049,321
	Filing Date	July 28, 2000
	First Named Inventor	Ian G. Charles
	Art Unit	N/A
	Examiner Name	Not Yet Assigned
	Attorney Docket Number	HO-P02379US0

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):
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<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	23 References
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	FULBRIGHT & JAWORSKI L.L.P. Melissa W. Acosta - 45,872
Signature	
Date	September 30, 2004

Transmittal

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. ER 147056380 US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: September 30, 2004

Signature:

(Annette Devereux)

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**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 180.00**Complete if Known**

Application Number	10/049,321
Filing Date	July 28, 2000
First Named Inventor	Ian G. Charles
Examiner Name	Not Yet Assigned
Art Unit	N/A
Attorney Docket No.	HO-P02379US0

METHOD OF PAYMENT (check all that apply)
☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:Deposit
Account
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06-2375

Deposit
Account
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Fulbright & Jaworski L.L.P.

The Director is authorized to: (check all that apply)☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee
to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0.00**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	** =	x	=
Multiple Dependent	** =	x	=

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180.00
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 180.00**SUBMITTED BY**

Name (Print/Type) Melissa W. Acosta

Registration No.
(Attorney/Agent)

45,872

(Complete (if applicable))

Telephone (713) 651-5407

Signature

Date

September 30, 2004

Fee Transmittal

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Dated: September 30, 2004

Signature:

Annette Devereux

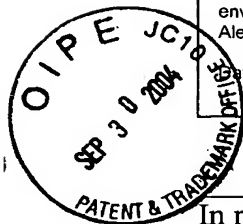
(Annette Devereux)

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Dated: September 30, 2004 Signature: *Annette Devereux*

(Annette Devereux)

Docket No.: HO-P02379US0
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Ian G. Charles et al.

Application No.: 10/049,321

Confirmation No.:

Filed: July 28, 2000

Art Unit: N/A

For: MICROENCAPSULATED NITRIC OXIDE
SYNTHASE SOURCE

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed more than three months after the U.S. filing date, OR more than three months after the date of entry of the national stage of a PCT application, AND after the mailing date of the first Office Action on the merits, whichever occurs first, but before the mailing date of a Final Office Action or Notice of Allowance (37 CFR 1.97(c)).

A copy of each required reference on the PTO/SB/08 is attached.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an

admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

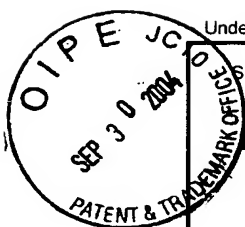
Please charge our Deposit Account No. 06-2375 in the amount of \$180.00 covering the fee set forth in 37 CFR 1.17(p). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 06-2375, under Order No. HO-P02379US0. A duplicate copy of this paper is enclosed.

Dated: September 30, 2004

Respectfully submitted,



By
Melissa W. Acosta
Registration No.: 45,872
FULBRIGHT & JAWORSKI L.L.P.
1301 McKinney, Suite 5100
Houston, Texas 77010-3095
(713) 651-5151
(713) 651-5246 (Fax)



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Substitute for form 1449A/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	10/049,321
				Filing Date	July 28, 2000
				First Named Inventor	Ian G. Charles
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	1	of	2	Attorney Docket Number	HO-P02379US0

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AA	US-5,800,829	09-01-1998	Dionne, et al.	
	AB	US-5,908,756	06-01-1999	Snyder, et al.	
	AC	US-5,840,521	11-24-1998	Barth	
	AD	US-5,654,168	08-05-1997	Bujard, et al.	
	AE	US-5,922,927	07-13-1999	Bujard, et al.	
	AF	US-5,759,836	06-02-1998	Amin, et al.	

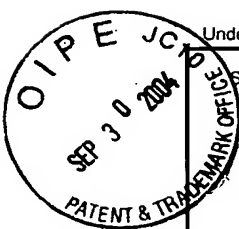
FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
	BA	WO-9900510	01-07-1999	Brigham and Women's Hospital		
	BB	WO-0109307	02-08-2001	University College London		
	BC	WO-9802555	01-22-1889	Salerno, John C.		
	BD	WO-0109375	02-08-2001	University College London		
	BE	WO-9933971	07-08-1999	Medical College of Georgia Research Institute, Inc.		
	BF	WO-9911620	03-11-1999	Pfizer Products Inc.		
	BG	WO-9826066	06-18-1998	Cerasoli, Franklin, Jr.		
	BH	WO-9958155	11-18-1999	The Salk Institute For Biological Studies		
	BI	WO-9600006	01-04-1996	University of Pittsburgh of the Commonwealth System of Higher Education		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant

¹ Applicant's unique citation designation number (optional). ² See attached Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the application number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	CA	Read, Tracy-Ann, et al. Cells Encapsulated in Alginate: A Potential System For Delivery of Recombinant Proteins to Malignant Brain Tumors., Int. J. Devl Neuroscience, Vol. 17, 653-663, 1999.	
	CB	No et al., Ecdysone-inducible gene expression in mammalian cells and transgenic mice., Proc. Natl. Acad. Sci. USA 93, 3346-3351, 1996.	
	CC	Yoshio et al., A phosphatidylinositol 3-kinase inhibitor wortmannin induces radioresistant DNA synthesis and sensitizes cells to bleomycin and ionizing radiation., International Journal of Cancer, Vol 78, 642-647, Nov. 23, 1998.	
	CD	Daniel, Rene et al., A Role for DNA-PK in Retroviral DNA Integration, Science, Vol. 284, 644-647, 1999.	
	CE	Kawaguchi et al., In Vivo Gene Transfection of Human Endothelial Cell Nitric Oxide Synthase	

Examiner Signature		Date Considered	
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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet	2	of	2	Attorney Docket Number	HO-P02379US0
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Complete if Known

Application Number	10/049,321
Filing Date	July 28, 2000
First Named Inventor	Ian G. Charles
Art Unit	N/A
Examiner Name	Not Yet Assigned
Attorney Docket Number	HO-P02379US0

		in Cardiomyocytes Causes Apoptosis -Like Cell Death., Circulation, Vol. 95, 2441-2447, 1997.	
	CF	Chen et al., Expression and Function of Recombinant Endothelial Nitric Oxide Synthase Gene in Canine Basilar Artery, Circ. Res. Vol. 80, 327-335, 1997.	
	CG	Amin et al., A novel mechanism of action of tetracyclines: Effects on nitric oxide synthases., Proc. Natl. Acad. Sci. USA, Vol.93, 14014-14019, 1996.	
	CH	Christodouloupoulos, Garyfallia, et al., Potentiation of Chlorambucil Cytotoxicity in B-Cell Chronic Lymphocytic Leukemia by Inhibition of DNA-dependent Protein Kinase Activity sing Wortmannin, Cancer Research 58, 1789-1792, 1998.	
	CI	Xie et al., Transfection with the Inducible Nitric Oxide Synthase Gene Suppresses Tumorigenicity and Abrogates Metastasis by K-1735 Murine Melanoma Cells., J. Exp. Med. Vol. 181, 1333-1343, 1995.	
	CJ	Kullo et al., Expression and Function of recombinant Endothelial NO Synthase in Coronary Artery Smooth Muscle Cells., Arterio. Thromb. Vasc. Biol. 17, 2405-2412, 1997.	
	CK	Del Real, Gustavo, et al., Suppression of HIV-1 infection in linomide-treated SCID-hu-PBL mice., AIDS(London), Vol. 12, 865-872, May, 28, 1998.	
	CL	Invitrogen, "Ecdysone-Inducible Mamalian Expression System: An Inducible Gene Expression System for Mammalian Cells Utilizing the Ecdysone Analog Ponasterone A., Version E, 1998-2000	
	CM	Invitrogen, T-Rex System: A Tetracycline-regulated Expresson System for Mammalian Cells., Version D, 1999-2000.	
	CN	Iwashina et al, "Transfection of Inducible Nitric Oxide Synthase Gene Causes Apoptosis in Vascular Smooth Muscle Cells," Circulation Vol. 98, 1998, pgs. 1212-1218.	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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Application No. (if known): 10/049,321

Attorney Docket No.: HO-P02379US0

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on September 30, 2004
Date


Signature

Annette Devereux
Typed or printed name of person signing Certificate

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IDS (Citation) by Applicant

